

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF MICHIGAN

RANDI FISHER, as Personal Representative of the
Estate of MADDISON FISHER, Deceased, RANDI
FISHER and JASON FISHER, Individually

CASE NO. 1:11-CV-242

Plaintiffs,

HON. PAUL L. MALONEY

v

**PLAINTIFFS' RESPONSE TO
DEFENDANTS MOTION TO
COMPEL DISCOVERY**

THERESA LAMBERT, R.N., SUSAN LINDAUER,
R.N., DANIELLE FORWARD, R.N., GWEN
BAKER, R.N., LEE SALMONSEN, R.N.C,
DEBORAH LARSON, R.N., CAROL
WOHLSCHIED, R.N., BATTLE CREEK HEALTH
SYSTEM, TRINITY HEALTH CORPORATION,
and THE UNITED STATES OF AMERICA, Jointly
and Severally

Defendants.

Brian J. McKeen (P34123)
Phillip B. Toutant (P72992)
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**PLAINTIFF RANDI FISHER'S ANSWERS TO DEFENDANTS BATTLE
CREEK HEALTH SYSTEM, TRINITY HEALTH CORPORATION,
THERESA LAMBERT, R.N., SUSAN LINDAUER, R.N., DANIELLE
FORWARD, R.N., GWEN BAKER, R.N., DEBORAH LARSON, R.N.,
AND CAROL WOHLSCHIED, R.N.'S FIRST SET OF
INTERROGATORIES**

NOW COMES Plaintiffs, RANDI FISHER, as Personal Representative of the Estate of MADDISON FISHER, Deceased, and RANDI FISHER and JASON FISHER, Individually, by and through counsel, McKEEN & ASSOCIATES, P.C. and for her Answers to Defendants BATTLE CREEK HEALTHY SYSTEM, TRINITY HEALTH CORPORATION, THERESA LAMBERT, R.N., SUSAN LINDAUER, R.N., DANIELLE FORWARD, R.N., GWEN BAKER, R.N., DEBORAH LARSON, R.N., AND CAROL WOHLSCHIED, R.N.'S Motion to Compel Discovery Requests, state as follows:

1. Admitted.
2. Admitted.
3. Plaintiff admits that at this point, Defendants' discovery requests have not been answered but by way of further answer, Plaintiffs' counsel has sent interrogatory responses to clients for review. Upon receipt of responses, Plaintiffs' counsel will serve responses upon Defendants.

Given this, Plaintiffs' counsel called Defendants' counsel and requested that this motion be adjourned, allowing for additional time to get counsel responses. Defense counsel has denied this request.

4. Discovery is continuing in this matter. Plaintiffs state, by way of further answer that the depositions of Plaintiffs may need to be adjourned.
5. Neither admit nor deny.

6. Neither admit nor deny.

7. Denied. Plaintiff has contacted Defendants' counsel and requested additional time to provide responses to written discovery. This request was declined.

WHEREFORE, Plaintiffs respectfully request that this court deny this motion.

Respectfully submitted,

McKEEN & ASSOCIATES, P.C.

/s/ Phillip B. Toutant

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Dated: December 2, 2011

Proof of Service

The undersigned certifies that a copy of the foregoing instrument was served upon all attorneys of record to the above cause of action by:

_____ U.S. Mail _____ FedEx
_____ Facsimile _____ E-mail

Other: E-Filing
on this 2nd day of Dec, 2011.

I declare that the above statements are true to the best of my information, knowledge and belief.

Sherrie I. Doucette
Sherrie I. Doucette

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SYSTEM, TRINITY HEALTH CORPORATION,
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**BRIEF IN SUPPORT OF
PLAINTIFFS' RESPONSE TO
DEFENDANTS MOTION TO
COMPEL DISCOVERY**

Defendants.

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**BRIEF IN SUPPORT OF PLAINTIFF RANDI FISHER'S ANSWERS TO
DEFENDANTS BATTLE CREEK HEALTH SYSTEM, TRINITY
HEALTH CORPORATION, THERESA LAMBERT, R.N., SUSAN
LINDAUER, R.N., DANIELLE FORWARD, R.N., GWEN BAKER, R.N.,
DEBORAH LARSON, R.N., AND CAROL WOHLSCIED, R.N.'S FIRST
SET OF INTERROGATORIES**

Plaintiff admits that at this point, Defendants' discovery requests have not been answered but by way of further answer, Plaintiffs' counsel has sent interrogatory responses to clients for review. Upon receipt of responses, Plaintiffs' counsel will serve responses upon Defendants.

Given this, Plaintiffs' counsel called Defendants' counsel and requested that this motion be adjourned, allowing for additional time to get counsel responses. Defense counsel has denied this request, wanting Plaintiffs' depositions to go forward as scheduled. That said, discovery is continuing in this matter. At this point, it is likely that the depositions of Plaintiffs may need to be adjourned.

Defendants have gone to pains to describe the procedural history of this case. It goes without saying that some of this history regards a different set of interrogatories that were served upon Plaintiffs in a different case, under different court rules. This procedural history is irrelevant to the Rule 37 analysis. Plaintiffs have requested additional time to provide answers to discovery, which was declined by counsel for Defendants. Thus, Plaintiffs request that this court deny Defendants' motion.

Respectfully submitted,

McKEEN & ASSOCIATES, P.C.

/s/ Phillip B. Toutant

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PHILLIP B. TOUTANT (P72992)
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Detroit, MI 48226
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Dated: December 2, 2011

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on this 2nd day of Dec, 2011.

I declare that the above statements are true to the best of my information, knowledge and belief.

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